DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

REVISED FINAL STATEMENT OF REASONS

TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 6.5
AMEND ARTICLE 1, SECTION 1200
AND
TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 6.5
AMEND ARTICLE 7.5, SECTION 1239

COMMERCIAL VEHICLE SAFETY ALLIANCE, NORTH AMERICAN STANDARD OUT-OF-SERVICE CRITERIA (CHP-R-11-08)

Existing Text: .....Times New Roman 12 point font.
Additions:.....Times New Roman 12 point font with single underline.
Deletions:.....~~Times New Roman 12 point font with strikethrough~~.

The California Highway Patrol (CHP) has adopted by reference major portions of the Commercial Vehicle Safety Alliance North American Standard Out-of-Service Criteria, April 1, 2011, Edition. This criterion outlines conditions by which a commercial vehicle may be placed out-of-service as a result of an inspection by an authorized representative of the CHP. California Highway Patrol personnel utilize this criteria for determining whether or not a vehicle and/or driver is in such an unsafe condition that they are likely to constitute a hazard on a highway and therefore, should be placed out-of-service. The Commercial Vehicle Safety Alliance reviews and updates these criteria annually, and in order to remain consistent, the CHP must update its regulations to reflect the most current out-of-service criteria available.

PURPOSE OF REGULATIONS

The CHP has updated the incorporation ~~incorporated~~ by reference of the Commercial Vehicle Safety Alliance North American Standard Out-of-Service Criteria, April 1, 2010, Edition, to the Commercial Vehicle Safety Alliance North American Standard Out-of-Service Criteria, April 1, 2011, Edition, in Title 13, California Code of Regulations (13 CCR). The intent of these criteria is to maintain specific guidelines for determining whether or not a vehicle, its cargo and/or driver is in such an unsafe condition that they are likely to constitute a hazard on the highway including other non substantive changes. These criteria provide consistency for California with its neighboring states, Canada and Mexico, and maintain a regulatory basis for enforcement efforts as they relate to commercial vehicle out of service criteria. Most criteria listed as out of service are also violations of current California Vehicle Code (CVC) statutes or 13 CCR regulations already in effect. Updating regulations to reflect the most current edition will continue to provide the regulatory authority to place the driver and/or vehicle out of service in addition to issuing a

citation. The incorporation of Section 1239 and Article 6.5 by reference into Section 1200 ~~and Division 14.85 by reference~~ will insure cohesive enforcement of the Commercial Vehicle Safety Alliance, North American Standard Out-of-Service Criteria statewide.
Section 34501(a)(1) CVC authorizes the CHP to adopt reasonable rules and regulations which, in the judgment of the Department, are designed to promote the safe operation of vehicles described in Section 34500 CVC and 34500.3 CVC. In addition, Section 2402 CVC provides the Commissioner with the authority to "make and enforce such rules and regulations as may be necessary to carry out the duties of the Department," and Section 24004 CVC provides the authority for the CHP to place vehicles out of service (Attorney General's Opinion NS 2520) in order to "ensure safety."

SECTION BY SECTION OVERVIEW OF MODIFICATIONS MADE

1200. Scope.

The CHP proposes Section 1239 and Article 7.5 be incorporated by reference into 13 CCR. The reference is intended to insure cohesive enforcement statewide of the Commercial Safety Alliance, North American Standard Out-of-Service Criteria.

§1239. Commercial Vehicle Safety Alliance, North American Out-of-Service Criteria.

The CHP proposes the Commercial Vehicle Safety Alliance North American Standard Out-of-Service Criteria, April 1, 2011, Edition, ~~and Division 14.85~~ be incorporated by reference into 13 CCR. The Commercial Vehicle Safety Alliance North American Standard Out-of-Service Criteria is a document which is annually reviewed and updated by the Commercial Vehicle Safety Alliance, and encompasses a vast cross section of industry and public safety concerns. The Out-of-Service Criteria is an administrative procedure which has been developed to aid the law enforcement officer in determining when a defect or violation has deteriorated to a point where it is likely to result in a breakdown or accident, and must be repaired or corrected before the vehicle and driver are allowed to operate on the highways of North America. It is also important to note the Commercial Vehicle Safety Alliance consists of representatives from law enforcement, truck and bus companies. The adoption is necessary to maintain consistency in inspection processes across North America and to maintain a high level of safety upon the highways.

Changes to the Commercial Vehicle Safety Alliance North American Standard Out-of-Service Criteria (April 1, 2011, Edition):

The address for the Commercial Vehicle Safety Alliance changes

6303 Ivy Lane
Suite 310
Greenbelt, MD 20770-6143

Driver Out-of-Service Criteria Changes

Part I - Driver

*4 **Driver Medical/Physical Requirements**

b Medical Certificate

*(3) Operating a passenger-carrying vehicle without ~~possessing~~ a valid medical certificate in possession. (391.41 (a)) **Declare driver out-of-service.** **Inspection Bulletin 2010-07 – Enforcement of Medical Certificate on Passenger Carrying Vehicle Drivers**

Vehicle Out-of-Service Criteria Changes

Part II - Vehicle

*1 **Brake Systems**

*a Defective Brakes

*(1) Absence of effective braking action upon application of the service brakes (such as any brake lining/pad failing to move or contact braking surface upon application). (393.48(a))
Inspection Bulletin 2005-01 – Trailer Brake Controller (TBC) 2005 Ford SuperDuty Vehicles

(2) Drum (Cam-Type and Wedge) Air Brakes

(a) Missing or broken brake shoe, lining, return spring (shoe or chamber), anchor pin, spider, cam roller, camshaft, pushrod, yoke, clevis pin, brake adjuster, parking brake power spring, or air chamber mounting bolt. (393.48(a))
Inspection bulletin 2006-01 – Camshaft Bushings

(b) Loose Air Chamber, Spider, or Camshaft support bracket. (393.48(a))

(c) Defective lining conditions.
i Lining cracks or voids that exceed 1/16 inch (1.6 mm) in width observable on the edge of the lining. (3939.47(a))
ii Portion of a lining segment missing such that a fastening device (rivet or bolt) is exposed when viewing the lining from the edge. (393.47(a))

iii Crack that exceeds 1-1/2 inch (38.1mm) in length. (393.47(a))
iv Loose lining segment. (Approximately 1/16 inch (1.6mm) or more movement.) (393.47(a))
v Complete lining segment missing. (393.47(a))
vi The friction surface of the brake drum and the brake friction material are contaminated by oil or grease. (393.47(a))

NOTE: Refer to "Wheels, Rims, and Hubs" if wheel seal is actively leaking.

vii Lining thickness less than ¼ inch (6.5mm) or to wear indicator if lining is so marked, measured at the shoe center. (393.47(d)(2))
Inspection Bulletin 2007-01 – Express Brake International, Inc. – Segmented Brake Linings

*b Front Steering Axle(s) Brakes

In addition to being included in the 20 percent criterion, the following place a vehicle in an out-of-service condition:

(1) Any inoperative brake (such as any brake lining /pad failing to move or contact braking surface upon application) or missing brake on either wheel of any steering axle of any vehicle equipped or required to be equipped with steering axle brakes, including the dolly and front axle of a full trailer. This includes tractors required to have steering axle brakes. Missing – 393.42(a) or Inoperative 393.48(a)

(2) Drum (Cam- Type and Wedge) Air Brakes

(a) Mismatched brake adjuster length. (3939.47(c))

NOTE: Mismatched air chamber size excludes long stroke air chamber versus regular stroke air chamber and excludes differences in design type such as type 20 clamp versus type 20 rotochamber. A bolt chamber with any other chamber type is a mismatch.

(b) Mismatch brake adjuster length. (393.47(c))

(c) Defective lining conditions.

i Lining cracks or voids that exceed 1/16 inch (1.6mm) in width observable on the edge of the lining. (393.47(a))

ii Portion of a lining segment missing such that a fastening device (rivet or bolt) is exposed missing such that a fastening device (rivet or bolt) is posed when viewing the lining from the edge. (393.47(a))
iii Crack that exceeds 1-1/2 inch (38.1mm) in length. (393.47(a))
iv Loose ling segment. (Approximately 1/16 inch (1.6mm) or more movement.) (393.47(a))
v Complete lining segment missing. (393.47(a))
vi The friction surface of the brake drum and the brake friction material are contaminated by oil or grease. (393.47(a))

NOTE: Refer to "Wheels, Rims, and Hubs" if wheel sea is actively leaking.

vii Lining with a thickness less than 3/16 inch (4.8mm) for a shoe with a continuous strip of lining or ¼ inch (6.5mm) for a shoe with two lining blocks for drum brakes or to wear indicator if lining is so marked. (393.47(d)(1))
Inspection Bulletin 2007-01 – Express Brake International, Inc. – Segmented Brake Linings

h Brake Hose/Tubing

(3) Audible air leak at other than a proper connection. (393.45(a))
Inspection Bulletin 2010-05 – MCI Buses with Detroit Diesel Engines

*j Low Air Pressure Warning Device

Low air pressure warning device missing, inoperative, or does not operate continuously if either the primary or secondary reservoir is 55 psi (379 kpa) and below, or ½ of the governor cut-off pressure, whichever is less. (393.51(c))

NOTE: If either an audible or visual warning device is working as required, vehicle should not be declared out-of-service.

*l Tractor Protection System

Inoperable or missing tractor protection system components including a tractor protection valve and/or trailer supply valve. (393.43(b))

NOTE: An inoperative tractor protection system is defined as one of the following conditions:

(1) The trailer supply valve fails to close before pressure drops below 20 psi (138 kpa) in either the primary or secondary system.

(2) When air escapes from ~~the service~~ either glad hand ~~upon~~ when brakes are applied after the tractor protection valve has closed.

Inspection Bulletin 2010-01 – Tractor Protection Systems

*m Air Reservoir (Tank)

~~Air reservoir security; separated from its original attachment points.~~ An air reservoir (tank) separated at either end from the attachment points(s) allowing movement of more than 1 inch (25.4 mm) in any direction. (396.3 (a)(1))

*3 **Exhaust Systems**

a Any exhaust system~~, other than that of a diesel engine, leaking~~ at a point forward of or directly below the driver /sleeper compartment and the vehicle has ~~when the floor pan is in such~~ a condition ~~as to~~ that permits entry of exhaust fumes into the driver/sleeper compartment. (393.83(g))

b Any bus exhaust system leaking or discharging under the chassis more than 6 inches (15.24cm) forward of the rear most part of the bus when powered by a gasoline engine, or more than 15 inches (38.1cm) forward of the rear most part of the bus when powered by other than a gasoline or diesel engine. (393.83(d))

c No part of the exhaust system of any motor vehicle shall be so located as to be likely to result in burning, charring, or damaging the electrical wiring, the fuel supply, or any combustible part of the motor vehicle. (393.83(a))

Inspection Bulletin 2010-02 – Inspection of Vehicles Equipped with 2007 & 2010 EPA Certified Engines.

*7 **Securement of Cargo**

*e Articles or cargo not blocked or positioned to prevent movement in the forward direction by a headerboard, bulkhead, other cargo that is position to prevent movement, or other appropriate blocking devices, is not secured by at least:

(1) One tiedown for articles 5 feet (1.52m) or less in length, and 1,100 pounds (500kg) or less in weight. (393.110(b)(1))

(2) Two tiedowns if the article is:

(a) 5 feet (1.52m) or less in length and more than 1,100 pounds (500kg) in weight; or, 393.110(b)(2)(i).

(b) Longer than 5 feet (1.52m) but less than or equal to 10 feet (3.04m) in length, irrespective of the weight. (393.110(b)(2)(ii))

(3) Two tiedowns if the article is longer than 10 feet (3.04m) and one additional tiedown for every 10 feet (3.04m) or article length, or fraction thereof, beyond the first 10 feet (3.04m) of length. (393.110(b)(3))

***NOTE:** Tiedowns shall be positioned as follows:

i Tiedowns spaced 10 feet (3.04m) apart along the length of the vehicle:or,
ii A tiedown in every 10 foot (3.04m) segment of the cargo; or
iii To accommodate anchor points or cargo damage considerations, tiedowns may be spaced or grouped at lengths greater or less than 10 feet (3.04m))

*f Article(s) of cargo that is blocked, braced or immobilized to prevent movement in the forward direction by a headerboard, bulkhead, other articles which are adequately secured or by an appropriate blocking or immobilization method, is not secured by at least one tie down for every 10 feet (3.04m) of article length, or fraction thereof. (393.110(c))

***NOTE:** Tiedowns shall be positioned as follows:

i Tiedowns spaced 10 feet (3.04m) apart along the length of the vehicle; or,
ii A tiedown in every 10 foot (3.04m) segment of the cargo; or
iii To accommodate anchor points or cargo damage considerations, tiedowns may be spaced or grouped at lengths greater or less than 10 feet (3.04m))

A tiedown or anchor point that is found to have a defect in the load bearing portion of the tidedown as outlined in the "Tiedown Defect Table" will not be considered when determining the weight and/or length requirements.

Individual tiedowns being used to secure cargo found in conditions outlined in the table are not out-of-service, only violations. If these tiedowns are required to meet the requirements for length and/or weight, the out-of-service condition(s) will be recorded under the applicable weight and/or length and/or the specific commodity. (393.104)

*8 STEERING MECHANISMS

*d Steering Gear Box (Including Rack and Pinion)
(1) Any mounting bolt(s) loose or missing. (393.209(d))
(2) Any crack(s) in gear box or mounting brackets. (393.209(d))
(3) Any obvious welded repair(s). (396.3(a)(1))
(4) Any looseness of the yoke-coupling to the steering gear input shaft. (393.209(d))
Inspection Bulletin 2010-03 – Rack and Pinion Steering System Inspection

*10 Tires

*a. Any Tire on Any Front Steering Axle(s) of a Power Unit.

*(7) So mounted or inflated that it comes in contact with any part of the vehicle. (393.3(a)(1))

NOTE: An out-of-service condition exists only if the tire can be made to contact another component at the time of inspection.

*14 **Emergency Exits and/or Electrical Cables and Systems in Engine and Battery Compartments (Buses)**

*b. Electrical Cables and Systems in Engine and Battery Compartments

*(2) Loose or corroded connections at battery post ~~or unsuitable insulated protection to electrical components~~. (393.28)

Carrier Out-of-Service Criteria Changes

Part IV – Administrative

***3. U.S. Federal Out-of-Service Orders**

Operating a commercial motor vehicle while an existing motor carrier out-of-service order issued by the Federal Motor Carrier Safety Administration (FMCSA) is in effect. (Choose from the list of ~~eleven~~ fourteen Sections of the Federal Motor Carrier Safety Regulations (CFRs) listed bellow. **Declare the vehicle out-of-service until such time the motor carrier out-of-service order issued by FMCSA has been satisfied.**

Description	Section
Failure to Pay Fine – Private Carrier	386.83 (a)(1)
Failure to Pay Fine – For –Hire Carrier	386.83 (a)(1)
UNSAT/UNFIT – Placarded HM	385.13 (a)(1)
UNSAT/UNFIT – Passengers Carriers	385.13 (a)(1)
UNSAT/UNFIT – Property Carriers	385.13 (a)(2)
New Entrant – Failure to Respond to Expedited Action Notification	385.308 (d)
New Entrant – failure to Safety Audit	385.325 (c)
New Entrant – Refusal to Audit/No Contact	385.337 (b)
Imminent Hazard – Motor Carrier	386.72 (b)(4)
Imminent Hazard – Intermodal Equipment Provider	386.72 (b)(4)
MX Carrier – Inadequate Corrective Action	385.105 (b)

MX Carrier – UNSAT/UNFIT	385.111 (a)
MX Carrier – Suspended operating Authority for UNSAT Rating or Failed Safety Audit	385.111 (c)
MX Carrier – Revoked Operating Authority	385.111 (c)(2)

HISTORY/BACKGROUND

In 1980, the Western States Commercial Vehicle Safety Alliance was established when agencies from seven western states and two Canadian provinces met to discuss common needs and ways to create uniformity of inspection standards, procedures and practices with the intent of improving commercial vehicle safety. The Western States Commercial Vehicle Safety Alliance brought together representatives from federal, state and provincial governmental agencies as well as the private industry to develop common standards and practices. As a result, the organization established the following initial goals:

- Avoid duplication of inspection efforts by the various jurisdictions;
- Improve the safety of equipment being operated on all highways;
- Minimize inspection delays for the operating industry;
- Increase the number of on-highway inspections;
- Bring about an overall improvement in commercial vehicle and hazardous materials transportation safety;
- Improve commercial driver safety performance;
- Improve compliance with the hazardous materials transportation regulations; and
- Bring about improvements in the collection, dissemination and use of operational motor carrier safety data and research findings.

In July 1981, the CHP entered into a memorandum of understanding with the Western States Commercial Vehicle Safety Alliance. The purpose of the memorandum was to maximize the use of commercial motor vehicle driver and cargo inspection resources; to avoid duplication of effort in expanding the number of inspections performed in a region; to advance uniformity of inspection; and to minimize delays incurred by industry as a result of this type of enforcement activity. As a Western States Commercial Vehicle Safety Alliance member, California agreed to implement procedures pursuant to minimum inspection criteria and out-of-service criteria. Shortly thereafter in 1982, the Western States Commercial Vehicle Safety Alliance became the Commercial Vehicle Safety Alliance. In an effort to maintain consistency and uniformity among the member states, the Commercial Vehicle Safety Alliance established the following:

- The Uniform North American Commercial Vehicle Standard Inspection Procedures;
- The adoption of the uniform out-of-service criteria;

- The adoption of the uniform severity rating of out-of-service violations and maximum fine schedules;
- The development of uniform training curriculum for certified Commercial Vehicle Safety Alliance inspectors;
- The development of uniform inspection procedures for vehicles transporting spent nuclear fuel, high-level radioactive waste and Transuranics (commonly known as the "Enhanced Inspection Procedure");
- The adoption of uniform bus inspection procedures; and
- The development of uniform cargo tank inspection procedures.

The out-of-service criteria is developed through the Commercial Vehicle Safety Alliance with participation from federal, state and provincial officials as well as industry representatives, including appropriate manufacturers and other interested parties. Before revisions to the out-of-service criteria are presented for adoption, a need for the change must be established by accompanying documentation, such as:

- Accident experience/statistics;
- Recommendations, including technical analysis;
- A description showing a new technology; or
- A need for redefinition or clarification of existing criteria.

Any modifications to the criteria require ratification by the general membership at the annual Commercial Vehicle Safety Alliance conference held each fall. Approved modifications are published and become effective on April 1st of each year, with the exception of 2004, where the modifications became effective January 1st.

The Commercial Vehicle Safety Alliance North American Standard Out-of-Service Criteria is not contained in federal safety regulations. It is an administrative procedure which has been developed to aid the law enforcement officer in determining when a defect or violation has deteriorated to a point where it is likely to result in a breakdown or accident, and must be repaired or corrected before the vehicle and driver are allowed to operate on the highways of North America. It is also important to note the Commercial Vehicle Safety Alliance consists of representatives from law enforcement, truck and bus companies, manufacturers, safety product and service providers, and insurance companies.

STUDIES/RELATED FACTS

The following documents lend support or are otherwise related to this proposed rulemaking. Copies of these documents, or relevant portions thereof, can be obtained from the CHP by telephoning the Commercial Vehicle Section at (916) 843-3400, 1-800-735-2929 (TT/TDD), 1-800-735-2922 (Voice), or via Facsimile at (916) 322-3154. The rulemaking file is available for inspection at the CHP, Commercial Vehicle Section, 601 North 7th Street, Sacramento, California. Interested parties are advised to call for an appointment.

- Commercial Vehicle Safety Alliance North American Standard Out-of-Service Criteria; April 1, 2010, Edition.
- Commercial Vehicle Safety Alliance North American Standard Out-of-Service Criteria; April 1, 2011, Edition.
- Attorney General Opinion NS 2520, Authority to place vehicles out-of-service.

ALTERNATIVES

The CHP has not identified, nor been made aware of, an alternative which would be more effective than the proposed action. Would be as effective as and less burdensome to affected private persons than the adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Alternatives Identified and Rejected:

Alternative 1: *Do nothing and allow outdated reference to remain in 13 CCR*: This alternative was not selected because the continued use of outdated criteria would defeat the purpose of promoting uniformity and consistency with neighboring states.

Alternative 2: *Discontinue use of Commercial Vehicle Safety Alliance North American Standard Out-of-Service Criteria:* Discontinuing the use of the Commercial Vehicle Safety Alliance North American Standard Out-of-Service Criteria as an enforcement tool by CHP officers may result in:

- Increased numbers of unsafe commercial vehicles being operated on California highways;
- Lack of inspection uniformity with neighboring states; and
- Increased equipment-related traffic collisions involving commercial vehicles.

The estimated cost of this alternative could exceed one million dollars. This estimated figure was derived based on additional time accident investigators may spend investigating collisions resulting from increased numbers of unsafe vehicles on California roadways. Additional costs may be incurred because commercial officers may re-inspect vehicles which have already been

inspected outside of California because the CHP would not recognize vehicle inspections performed elsewhere.

Alternative 3: *Update 13 CCR to current revision of the Commercial Vehicle Safety Alliance Out-of-Service Criteria*: This is the Alternative selected as it best meets the safety needs of the public and the Department.

Performance vs. Prescriptive Standards

Due to the nature of the equipment (brakes, frames, fuel systems, etc.) and the standards (driver licenses, hours of service, etc.) to which this criteria will be applied, it is necessary to apply prescriptive standards. Equipment service limits are critical in commercial vehicles and must be closely adhered to in order to ensure the proper functioning of the equipment. Small deviations in critical component dimensions could mean the difference between an item of equipment working properly and an item that fails completely. A critical item of equipment which fails on any vehicle could lead to a collision and possible injury or death. Non-equipment related standards are also prescriptive and critical. In order to properly and safely operate a vehicle, a driver must pass a written knowledge test as well as demonstrate an ability to operate the vehicle.

LOCAL MANDATE

These regulations do not impose any new mandate on local agencies or school districts.

ECONOMIC IMPACT ON BUSINESS

The CHP has not identified any significant adverse impact on businesses. Businesses involved in the transportation of interstate and intrastate commerce via commercial trucking may choose to purchase the current Commercial Vehicle Safety Alliance North American Standard Out-of-Service Criteria at a cost of approximately $42 annually at *www.cvsa.org*. These businesses will not otherwise experience any greater effect due to the implementation of the Commercial Vehicle Safety Alliance North American Standard Out-of-Service Criteria, April 1, 2011, Edition, than is already commonly known and accepted.

Currently, all violations found during the inspection of a commercial vehicle are subject to repair prior to the vehicle being re-dispatched. The out-of service criteria places a more stringent time line on violation repair, requiring the owner of the vehicle to correct the violations before to the vehicle can continue operation or tow it to a place of repair. Out-of-Service violations preclude further operation of a commercial motor vehicle due to the severe nature of the violation and their imminent safety hazard. These include violations found on the power unit, trailer, driver, or motor carrier. Industry currently adheres to these standards by correcting violations found during the inspection process either prior to the vehicle leaving the inspection location or prior to re-dispatch, dependant upon the nature and severity of the violation.

Down time for a commercial motor vehicle due to an out of service condition is estimated at approximately $200 per hour. A driver being placed Out-of-Service for an hours of service or licensing violation would incur a delay in movement of the vehicle until a replacement driver is located or the current drivers' violations can be corrected. This delay of approximately 2 – 4 hours calculated at the hourly rate would cost $400 - $800 per incident. A power unit declared out-of-service due to mechanical violations may result in three outcomes; the company may elect to repair it on site, have it towed, or send a replacement power unit. This delay of approximately 2 – 6 hours calculated at the hourly rate would cost $400 - $1200 per incident. Similarly, a trailer declared out-of-service may result in three outcomes; the company may prefer to repair it on site, send a new trailer and off load the cargo into the new trailer, or have it towed as a load on another trailer. This delay of approximately 2 – 8 hours calculated at the hourly rate would cost $400 - $1600 per incident. Industry currently incurs these costs when they, or their vehicle, are found in violation during an inspection. Industry, therefore works diligently with mobile repair services and fleet maintenance services to maintain and repair their vehicles as deemed necessary.

The adoption of the 2011 North American Standard Out-of-Service Criteria does not incur further burden upon industry and its business practices as it merely updates the standards by which industry must adhere, and eliminates some inconsistencies, which currently exist between the State of California and the rest of North America. Industry is already subject to, and complies with, these policies throughout North America, and has been so under the provisions of previous editions of the Commercial Vehicle Safety Alliance North American Standard Out-of-Service Criteria. The Department, therefore, has determined the adoption of the regulation amendments will not result in a significant economic impact to the commercial trucking industry or the State of California and will result in a more harmonious compliance standard.

FISCAL IMPACT TO THE STATE

The Department has determined these regulation amendments will result in:

- No significant increase in costs for owners or operators of commercial vehicles. This rulemaking action will simply provide a regulatory basis to enforce the out-of-service criteria which is already being used by the CHP and throughout North America;
- No significant compliance cost for persons or businesses directly affected;
- No discernible adverse impact on the quantity and distribution of goods and services to large and small businesses or the public;
- No impact on the level of employment in the state; and
- No impact on the competitiveness of this state to retain businesses, as state, provincial and national governments throughout North America have already adopted these requirements.

CREATION OR ELIMINATION OF JOBS IN THE STATE OF CALIFORNIA

Since there already exists a rather extensive network of commercial vehicle mobile repair and fleet maintenance services within the State of California, it is unlikely the provisions of the proposed regulations will create or eliminate any jobs within the State of California. The CHP therefore has determined that this proposed regulatory action, will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. It will also not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states. The purposed rulemaking will continue to benefit the residents of California by providing continued protection and safety to public health and welfare, and safety to the environment. Changes to the application of the regulation are not substantive and bring the regulation in conformance with existing statute. Minor additions and changes to the out-of-service criteria are clarifying in nature and all are within existing requirements for industry to maintain their vehicles in a safe and proper operating condition.